

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:)	
)	
LUIS ERNESTO ONTIVEROS,)	CASE NO.: 23-10523-LRC
)	
DEBTOR.)	CHAPTER 13
)	
)	JUDGE LISA RITCHEY CRAIG
-----)	
)	
MELISSA J. DAVEY,)	
STANDING CHAPTER 13 TRUSTEE,)	
Movant,)	
)	
v.)	CONTESTED MATTER
)	
LUIS ERNESTO ONTIVEROS,)	
Respondent.)	
)	
-----)	

MOTION TO DISMISS

Melissa J. Davey, Trustee in the above styled matter, respectfully shows the Court as follo

1. Pursuant to Debtor Chapter 13 Plan confirmed on December 12, 2023, Debtor is required to make payments in the amount of \$699.00 to the Trustee.

2. Debtor has failed to make the payments due under the Plan. The total amount due under the Plan is \$23,306.91. Debtor has only paid a total of \$21,874.91, resulting in a delinquency in the amount of \$1,432.00 in violation of 11 U.S.C. §§1307(c)(1) and 1307(c)(6).

3. Debtor's Plan will exceed 60 months in violation of 11 U.S.C. §§1307(c)(1) and 1307(c)(6); see also 11 U.S.C. §1322(d).

4. In addition, Debtor has failed to remit the 2024 income tax returns, or any resulting refund to the Trustee. Accordingly, Debtor is in material default of the terms of the confirmed Plan and has caused unreasonable delay that is prejudicial to the creditors. The case should be dismissed. 11 U.S.C. §§1307(c)(1) and 1307(c)(6).

Wherefore, Trustee respectfully requests that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: November 05, 2025

Prepared and Presented by:

/s/ Taylor S. Mansell

Taylor S. Mansell

Attorney for Chapter 13 Trustee

GA Bar No. 940461

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LUIS ERNESTO ONTIVEROS,)	
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MELISSA J. DAVEY,)	
STANDING CHAPTER 13 TRUSTEE,)	
Movant,)	
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v.)	CONTESTED MATTER
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LUIS ERNESTO ONTIVEROS,)	
Respondent.)	
)	
)	
-----)	

NOTICE OF HEARING ON MOTION TO DISMISS

PLEASE TAKE NOTICE that Melissa J. Davey, Standing Chapter 13 Trustee, has filed a Motion to Dismiss (the “Motion”) and related papers with the Court seeking an order dismissing the case.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion to Dismiss at **9:45 AM on December 02, 2025**, in the **U.S Courthouse, 2nd Floor Courtroom, 18 Greenville Street, Newnan, Georgia 30263**, which must be attended in person, unless the Court orders otherwise.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want to Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how, and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing. The address of the Clerk's Office is Clerk, United States Bankruptcy Court, 18 Greenville Street, 2nd Floor, Newnan, GA 30263. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: November 05, 2025

Prepared and Presented by:

/s/ Taylor S. Mansell

Taylor S. Mansell

Attorney for Chapter 13 Trustee

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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Motion to Dismiss using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):
H. BROOKS COTTEN, P.C.

I further certify that on this day I caused a copy of this document to be served via first class mail, with adequate postage prepaid on the following parties set forth below at the address shown for each.

DEBTOR(S):

LUIS ERNESTO ONTIVEROS
10 ARRAN COURT
NEWNAN, GA 30263

Dated: November 05, 2025

Prepared and Presented by:

/s/ Taylor S. Mansell

Taylor S. Mansell

Attorney for Chapter 13 Trustee

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